



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,992	08/02/2001	Graham John Simms	4254	7173

7590

01/02/2003

LAW OFFICES
CHARLES P. BOUKUS, JR.
SUITE 202
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,992

Applicant(s)

SIMMS, GRAHAM JOHN

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 07 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. In this case, the class and subclass listing must be present or, if unknown, horizontal lines in the appropriate box. CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper."

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 22, the phrase "flange-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "flange-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3724

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schauble.

Schauble discloses the same invention including a blade unit carrying structure (14) on which a blade unit (42) is permanently mounted (Fig. 4), that the blade unit is pivotally mounted relative to the blade carrying structure (Fig. 9) about a predetermined axis extending longitudinally through the blade unit (223), a delivery system (34) for conducting a fluid dispensed from a reservoir (16) connected to the blade unit carrying structure (Fig. 4) to at least one discharge port (52), that the discharge port opening is defined by a part which remains stationary (238) with respect to the blade unit carrying structure during pivotal movement (Fig. 9), that the stationary part is not mechanically coupled directly to the blade unit (Fig. 8), that the discharge port is disposed to deliver fluid at a guard surface of the blade unit (Fig. 3), that the discharge port has an opening located at or close to the predetermined pivot axis (Figs. 7 and 8), that the blade unit includes a channel (25) for distributing fluid delivered through the discharge port across the blade unit in the direction of the pivot axis (Fig. 8), that the channel is open continuously along the length to allow fluid to pass through (46), and that the channel is substantially parallel to the pivot axis (Fig. 3).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3724

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schauble in view of Apprille, Jr. et al. (5,249,361). Schauble discloses the invention including that the discharge port is defined by a tubular member (Fig. 2) but fails to disclose that the blade unit includes an elastomeric skin-contacting element. '361 teaches of a blade unit including an elastomeric skin-contacting element (Abstract). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Schauble with an elastomeric skin-contacting element to allow for a smoother shave.

9. Claims 9-15 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schauble in view of Hackmyer. Schauble discloses the invention including a blade unit carrying structure (14) on which a blade unit (42) is permanently mounted (Fig. 4), that the blade unit is pivotally mounted relative to the blade carrying structure (Fig. 9), a delivery system (34) for conducting a fluid dispensed from a reservoir (16), that the delivery system includes a valve (60) for controlling the supply of fluid to the blade unit (Fig. 3), the blade carrying structure including a delivery duct (38), that the blade unit carrying structure and the supporting structure are integrally connected (Fig. 1) but fails to disclose that the blade unit carrying structure is movably connected to a supporting structure and is movably relative to the supporting structure for actuating a valve, that the blade unit carrying structure is hingedly coupled by a web to the supporting structure for the valve to be actuated when the blade is pressed against the skin, that the web defines a pivot axis about which the blade unit carrying structure is pivotal relative to the supporting structure, that the supporting structure

Art Unit: 3724

comprises a ring to which the blade unit carrying structure is integrally connected by a pair of laterally opposed webs, that the blade unit carrying structure has a stop for abutment with the container rim to define an end position from which the blade unit carrying structure is pivotal to actuate the valve, a valve member, a sealing member, that the valve member cooperates with an annular valve seat and is capable of tilting to open the valve, and that the blade unit carrying structure comprises a hollow stem structure extending from a flange base, and that the base is engagable by a finger for displacing the blade unit to actuate the valve. Hackmyer teaches a blade unit carrying structure that is movably connected to a supporting structure (Fig. 10) and is movably relative to the supporting structure (21a) for actuating a valve (Fig. 1), a blade unit carrying structure that is hingedly coupled by a web (21c) to the supporting structure for the valve to be actuated when the blade is pressed against the skin (Fig. 1), that the supporting structure comprises a ring (25) to which the blade unit carrying structure is integrally connected by a pair of webs (21c), that the blade unit carrying structure has a stop for abutment with the container rim to define an end position from which the blade unit carrying structure is pivotal to actuate the valve (Fig. 1), a valve member (25a), a sealing member (Fig. 3), that the valve member cooperates with an annular valve seat (Fig. 3) and is capable of tilting to open the valve (Fig. 1), that the blade unit carrying structure comprises a hollow stem structure (23c) extending from a flange base (Fig. 3), and that the base is engagable by a finger for displacing the blade unit to actuate the valve. Therefore, it would have been obvious to one skilled in the art, at the time of the

Art Unit: 3724

invention, to have provided Schauble with the characteristics of Hackmyer to allow for an easier way of dispensing fluid during the shaving operation.

10. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schauble in view of Hackmyer as applied to claims 9-15 and 18-22 above, and further in view of Miyauchi. Schauble and Hackmyer disclose the invention but fail to disclose that the reservoir is formed by a container having a rim surrounding the valve, and that the supporting structure is firmly attached, by friction, to the container at the rim. Miyauchi teaches the use of a reservoir that is formed by a container having a rim surrounding the valve (Fig. 2), and that the supporting structure is firmly attached, by friction, to the container at the rim (Fig. 3). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Schauble and Hackmyer with a reservoir that is formed by a container having a rim surrounding the valve and that the supporting structure is firmly attached, by friction, to the container at the rim to provide for a more efficient dispenser.

Response to Arguments

11. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keene, Kells, Cox et al., Harrison et al., Kavoussi, McGaughan, Podolsky ('560), Rogers et al., Podolsky ('130), Cohen et al., Apprille, Jr. et al. ('586), and Prochaska.

Art Unit: 3724

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Application/Control Number: 09/919,992

Page 8

Art Unit: 3724

JP

JP

December 30, 2002

allan

Allan N. Shoap
Supervisory Patent Examiner
Group 3700